

## Message Text

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ORIGIN EB-07

INFO OCT-01 IO-10 ISO-00 EA-06 FEA-01 AGR-05 CEA-01

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L-02 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

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FM SECSTATE WASHDC  
TO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: GATT COUNCIL CONSIDERATION UNITED STATES  
AGRICULTURAL WAIVER--AUSTRALIAN INQUIRY

REF: GENEVA 25100

1. SECTION 3(B) OF THE AGRICULTURE AND CONSUMER PROTECTION  
ACT OF 1973 DID, AS NOTED BY THE AUSTRALIAN REPRESENTATIVE,  
ADD NEW TEXT CONCERNING CHANGES IN THE COST OF PRODUCTION  
TO THE PROVISIONS OF PREDECESSOR LEGISLATION AUTHORIZING  
AND DIRECTING THE SECRETARY OF AGRICULTURE TO MAKE AVAILABLE  
PRICE SUPPORT TO PRODUCERS OF MILK. BUT THE ADDITIONAL  
LANGUAGE DID NOT CHANGE PREDECESSOR PROVISIONS TO CAUSE THE  
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SECRETARY TO ACT DIFFERENTLY IN MAKING PRICE SUPPORT DECI-

SIONS THAN HE OTHER WISE WOULD HAVE.

2. PRIOR TO THE 1973 ENACTMENT, THE OPERATIVE LANGUAGE (SECTION 202 AGRICULTURAL ACT OF 1949) READ IN PART "THE PRICE OF MILK SHALL BE SUPPORTED AT SUCH LEVEL NOT IN EXCESS OF 90 PERCENTUM NOR LESS THAN 75 PERCENTUM OF THE PARITY PRICE THEREFOR AS THE SECRETARY DETERMINES NECESSARY IN ORDER TO ASSURE AN ADEQUATE SUPPLY." AS A RESULT OF THE 1973 AMENDMENT IT NOW READS "THE PRICE OF MILK SHALL BE

SUPPORTED AT SUCH LEVEL NOT IN EXCESS OF 90 PERCENTUM NOR LESS THAN 75 PERCENTUM OF THE PARITY PRICE THEREFOR AS THE SECRETARY DETERMINES NECESSARY IN ORDER TO ASSURE AN ADEQUATE SUPPLY OF PURE AND WHOLESOME MILK TO MEET CURRENT NEEDS, REFLECT CHANGES IN THE COST OF PRODUCTION, AND ASSURE A LEVEL OF FARM INCOME ADEQUATE TO MAINTAIN PRODUCTIVE CAPACITY SUFFICIENT TO MEET ANTICIPATED FUTURE NEEDS." THE 1973 ACT ALSO PROVIDED THAT, TEMPORARILY THROUGH MARCH 31, 1975, THE MINIMUM SUPPORT LEVEL WOULD BE 80 PERCENT OF PARITY. DURING THE LIFE OF THIS PROVISION, THE SECRETARY OF AGRICULTURE ESTABLISHED SUPPORT AT LEVELS BETWEEN 80 PERCENT AND 90 PERCENT OF PARITY. THE SUPPORT PRICE FOR THE MILK MARKETING YEAR WHICH BEGAN APRIL 1, 1975 IS 79 PERCENT OF PARITY.

3. CURRENTLY AS IN EARLIER YEARS, THE SECRETARY, IN MAKING PRICE SUPPORT AVAILABLE FOR MILK PRODUCERS UNDER THE AMENDED PROVISION OF THE AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973 MAY NOT SET THE PRICE AT MORE THAN 90 PERCENT OF PARITY. NO SEPARATE DETERMINATIONS ARE MADE OUTSIDE THE STATUTORY REGULATION AS IT NOW STANDS. KISSINGER

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